

REMARKS

The present amendment and remarks are submitted in response to an office action dated August 28, 2006.

The application consists of 48 claims, of which claims 1-9, 11, 12, 14, 15, 20-24, 26-35, 39, 44 and 45 are amended herewith and claim 48 is new. Claim 48 is a method claim, which is patentable for the same reason as claim 1.

Drawings

The drawings stand objected under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. The Examiner listed a number of features that should be shown in the drawings, applicants submit herewith where these features are shown in the drawings:

Feature in claim	Shown in drawing
Hollow tube comprising at least one aperture, which comprises at least a front opening at a front end of the tube and at least one side opening in a side of the tube	Fig. 3 shows a front opening 134 and a side opening 220 in tube 118.
Hollow tube defining at least one aperture, which is covered by at least one extension in the first position	Fig. 6 shows extensions 502 of hollow tube 118, having tip covers 530, covering aperture 134.
The positions being axially displaced and radially displaced	Figs 4 and 5 show the positions of the extensions being axially displaced and Fig. 2D shows the positions being radially displaced

Figures 1A-1F are objected to as failing to be designated by a legend such as –Prior Art—. Applicants have added such a legend to Figures 1A-1F.

The drawings are objected to under 37 CFR 1.84(p)(4) because reference character “110” has been used to designate both a stand in Fig. 1F and a bore in Figs 2C and 2D and reference character “134” has been used to designate both an inlet and an extension in Fig. 5.

Applicants have amended reference character “110” in Figs. 2C and 2D to “134” as it is used to indicate a front opening which is indicated in the rest of the drawings and in the text as “134”. Fig. 5 was amended to remove the designating of character “134” to an extension.

The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because reference characters “128” and “210” are included in the drawings but are not mentioned in the description.

Reference character “210” is used in Figs. 2C and 2D to show a vein which is referenced in the text as “130”. Applicants have therefore amended character “210” to “130” in these Figures.

Reference character “128” appears in Fig. 2D and indicates an extension. The other extensions in the Figure are referenced as “122”, applicants have therefore amended character “128” to “122” in Fig. 2D.

All the amendments to the drawings are merely cosmetic and do not introduce any new matter.

Specification

The disclosure is objected to because of the following informalities. The paragraphs in lines 3-5 of page 4 and in lines 14-15 of page 20 are unclear. Applicants have amended the paragraphs for clarity.

The disclosure is further objected to since reference character “316” has been used for a skin flat in line 5 of page 18 and for a sheath in line 19 of page 18. Applicants amended the character for a sheath in line 19 to “304” and have added reference character “304” to Fig. 3, indicating a sheath.

All the amendments to the specification are merely cosmetic and do not introduce any new matter.

Claims

Claim 1 is amended to remove the references to the drawings as these are not required under US practice.

Claims 5-9 are amended to make explicit what was already implicit, that the at least one extension is configured so that moving said at least one extension from said first position to said second position operates to displace the impediment.

Claims 11 and 12 are amended in order to make explicit what was already implicit, that the tube withstands unimpeded intake of fluid.

Claim objections

Claims 2-10, 14, 15, 20-24, 26-35, 39, 44 and 45 are objected to because of informalities. Applicants have amended claims 2-4, 14, 15, 20-24, 26-35, 39, 44 and 45 to

overcome the objections. Applicants note that some of the limitations pointed to by the Examiner were clearly based:

The limitation “said impedent” in claims 5-9 is introduced in line 8 of claim 1.

The limitation “said body tissue” in claim 10 is introduced in line 2 of claim 9.

The limitation “said intake of fluid” in claims 21-23 is introduced in line 2 of claim 1.

Claim rejections

Claims 1-7, 9-15, 19, 21-24, 27-34, 39 and 44-47 stand rejected under 35 USC 102(b) as being anticipated by Kaplan et al. (US 5,609,574).

Applicants traverse the rejection and submit that the Examiner has not established a *prima facie* rejection. Claim 1 is the only independent claim in this group of claims.

Claim requires “at least one extension operative to be at at least two positions with respect to said aperture, a first position near said aperture and a second position in which at least part of said extension extends away from said aperture”. Claim 1 further requires that “if said aperture is blocked by an impediment, relative movement of said at least one extension with respect to said aperture, from said first position to said second position, operates to dislodge the impediment from said aperture”. Kaplan does not teach these limitations. While the extensions 28 and 32 of Kaplan are operative in two positions relative to **aperture 22**, the dislodging of impediment S is from different apertures, namely **apertures 34**.

Moreover, claim 1 is directed to an apparatus to be implanted in a vein for the purpose of intake of fluid. Kaplan does not teach such an apparatus, in fact, the apparatus in Kaplan is intended for administering a therapeutic agent to a treatment site in a wall of a vessel. If the apparatus of Kaplan with its side wall apertures 34 is used for fluid intake in a vein, the wall of the vein would tend to cover the openings, due to suction.

Claims 1, 3, 5-7, 9-15, 19-24, 26-35, 39 and 44-47 stand rejected under 35 USC 102(e) as being anticipated by Zadno-Azizi (US 6,958,059). The Examiner cited Figs. 12 and 13 to show an apparatus as in claim 1.

Applicants respectfully traverse the rejection and submit that the Examiner has not provide a *prima facie* rejection. Applicants respectfully submit that claim 1 requires “wherein if said aperture is blocked by an impediment, relative movement of said at least one extension with respect to said aperture, from said first position to said second position, operates to dislodge the impediment from said aperture”. This is not taught or suggested by Zadno-Azizi.

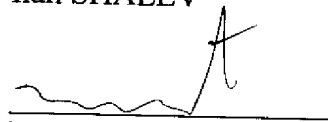
Occlusive device 422 in Zadno-Aziz is inflated to occlude artery 400 at a site distal to the occlusion, and not to displace the occlusion (see col. 17, lines 36-38). The occlusion is dissolved by fluid from fluid flow openings in device 422, as shown in Fig. 12, or from holes 460 in guidewire 420, as shown in Fig. 13 (see col. 18, lines 11-16).

Furthermore, the apertures 460 in Zadno-Azizi are not blocked by the occlusion, as required by claim 1, rather, the apertures are situated past the occlusion, as recited in col. 17, lines 29-33.

In addition, the apparatus of Zadno-Aziz is designed for providing drug delivery and not for intake of fluid, as required by claim 1.

An allowance of the claims is respectfully awaited. In the event that the Examiner believes that there are problems which would make it impossible to issue an allowance for all the claims, the Examiner is respectfully requested to call the undersigned at 1 (877) 428-5468, which is a US toll free number connected directly to our office in Israel (please note the 7 hour time difference and the official work week is from Sunday to Thursday).

Respectfully submitted,
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